

ENTERED

August 26, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

LAWRENCE SINCLAIR

§

VS.

§

§

CIVIL ACTION NO. 5:23-CV-109

§

BRIAN KRASSENSTEIN, *et al.*

§

ORDER

Before the Court is Plaintiff Lawrence Sinclair's Motion to Withdraw his Notice of Filing of Appeal,¹ Motion to proceed *in forma pauperis* on appeal,² Transcript Order Request,³ and combined Motion to Stay Time to File Amended Complaint and Motion for Recusal of the Honorable Marina Garcia Marmolejo⁴ (Dkt. No. 69). Here, Plaintiff does not indicate whether Defendants oppose his motion to withdraw. *See* S.D. Tex. L.R. 7.1(D)(1)–(2) (denoting that, if opposed, the operative motion must “contain an averment that (1) [t]he movant has conferred with the respondent and (2) [c]ounsel cannot agree about the disposition of the motion”); *see also* S.D. Tex. L.R. 7.2 (“Motions without opposition . . . must bear in their caption ‘unopposed.’”).

Generally, a party has twenty-one days to file a response to an opposed motion. *See* S.D. Tex. L.R. 7.3; J. Garcia Marmolejo Civ. R. 6(A)(4). However, “[t]he Court may in its discretion, on its own motion or upon application, entertain and decide any

¹ (Dkt. No. 63).

² (Dkt. No. 66).

³ (Dkt. No. 67).

⁴ (Dkt. No. 68).

motion, shorten or extend time periods, and request or permit additional authority or supporting material.” S.D. Tex. L.R. 7.8.; *see also Molina v. Equistar Chems. LP*, 261 F. App’x 729, 734 n.3 (5th Cir. 2008).

If Defendants oppose the motion, they are **ORDERED** to file responsive briefing no later than **August 27, 2024**. Plaintiff may then file a reply, if any, no later than **August 30, 2024**.

It is so **ORDERED**.

SIGNED August 26, 2024.

A handwritten signature in black ink, reading "Marina Garcia Marmolejo", written over a horizontal line.

Marina Garcia Marmolejo
United States District Judge